

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANNON R. POWELL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:24-cv-00030-DAD-CKD (PS)

ORDER

On January 4, 2024, the United States of America removed plaintiff's state court civil action to this court. (ECF No. 1.) On January 12, 2024, defendant filed a motion to dismiss under Federal Rule of Civil Procedure 12 and set the hearing to take place on February 21, 2024. (ECF No. 3.)

Plaintiff did not respond to the motion to dismiss. Accordingly, on February 7, 2024, the court vacated the hearing, cautioned plaintiff that a written response to the motion was required, and ordered plaintiff to file an opposition or statement of non-opposition to the motion to dismiss within 14 days. (ECF No. 5.) Plaintiff did not respond to the court order. Accordingly, the undersigned recommended that this action be dismissed for failure to prosecute. (ECF No. 6.)

Plaintiff has filed objections to the findings and recommendations consisting of a single page that states "I am objecting to the proposed Relief Order in this case." (ECF No. 7.) The

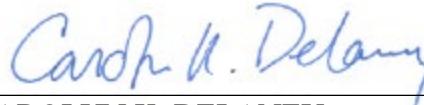
1 stated basis for the objection is “Having Financial Hardship, while trying to move out, with very
2 little money.” (Id.) In light of plaintiff’s objection to dismissal of this case for plaintiff’s failure to
3 prosecute, plaintiff will be given another opportunity to oppose defendant’s motion to dismiss
4 filed on January 12, 2024. Plaintiff is reminded as follows regarding the filing of an opposition to
5 the pending motion to dismiss:

6 (c) Opposition and Non-Opposition. Opposition, if any, to the
7 granting of the motion shall be in writing and shall be filed and
8 served no later than fourteen (14) days after the motion was filed. A
9 responding party who has no opposition to the granting of the motion
10 shall serve and file a statement to that effect, specifically designating
11 the motion in question. No party will be entitled to be heard in
opposition to a motion at oral arguments if opposition to the motion
has not been timely filed by that party. See L.R. 135. A failure to file
a timely opposition may also be construed by the Court as a
nonopposition to the motion.

12 Local Rule 230(c). Plaintiff is additionally reminded that failure to comply with the Federal Rules
13 of Civil Procedure, Local Rules of Practice, or orders of this court could result in dismissal of this
14 action. See Local Rule 183(a).

15 In accordance with the above, IT IS ORDERED that within 30 days of the date of this
16 order, plaintiff shall file an opposition or statement of nonopposition to defendant’s motion to
17 dismiss filed on January 12, 2024.

18 Dated: March 21, 2024



19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

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